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May 27, 2004

## VIA HAND DELIVERY

Ms. Deborah Taylor Tate, Chairman  
 TENNESSEE REGULATORY AUTHORITY  
 460 James Robertson Parkway  
 Nashville, Tennessee 37243

***Re: Tennessee Coalition of Rural Incumbent Telephone Companies and  
 Cooperatives Request for Suspension of Wireline to Wireless Number  
 Portability Obligations Pursuant to Section 251(f)(2) of the  
 Communications Act of 1934, as Amended  
 Docket No. 03-00633***

Dear Chairman Tate:

Enclosed for filing in the above-referenced docket are two copies of the Coalition's responses to the Consumer Advocate and Protection Division's Data Requests. Please file one copy and date stamp the other and return it to me by way of our courier.

Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above.

Thanking you in advance for your assistance with this matter.

Sincerely,

Tara L. Swafford

TLS:bb  
 Enclosure

cc: Tim Phillips, Esq.  
 Melvin Malone, Esq.  
 Ed Phillips, Esq.  
 Mr. Bruce Mottern  
 Thomas Moorman, Esq.  
 Stephen Kraskin, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE:

TENNESSEE COALITION OF RURAL  
INCUMBENT TELEPHONE COMPANIES  
AND COOPERATIVES REQUEST FOR  
SUSPENSION OF WIRELINE TO WIRELESS  
NUMBER PORTABILITY OBLIGATIONS  
PURSUANT TO SECTION 251(f)(2) OF THE  
COMMUNICATIONS ACT OF 1934, AS  
AMENDED

DOCKET NO. 03-00633

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**COALITION'S RESPONSES TO CONSUMER ADVOCATE'S DISCOVERY  
REQUESTS**

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The Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives  
(the "Coalition") hereby responds to the Consumer Advocate's Discovery Requests.

**GENERAL OBJECTIONS**

1. The Coalition objects to each and every discovery request to the extent that it requests information or documents protected by the attorney-client privilege or attorney work product doctrine, as such information and documents are not discoverable.
2. The Coalition objects to each and every discovery request to the extent that it requests information and documents that are not relevant to the issues before the Tennessee Regulatory Authority ("TRA").
3. The Coalition objects to the instructions given by the requesting party in connection with these discovery requests and will respond to the discovery requests consistent with its obligations under the Tennessee Rules of Civil Procedure.

4. Discovery is ongoing and the Coalition reserves the right to supplement each discovery request response if additional information is discovered.

### **INTERROGATORIES**

1. State each fact you rely on to support your contention(s), position(s) and/or request(s) in this docket.

#### **RESPONSE:**

The Coalition objects to this request as overbroad and unduly burdensome in that it calls for all facts relating to this petition. Without waiving this objection, the Coalition refers the requesting party to its original Petition and Amended Petition, its responses to the TRA's Data Requests, its Statements in Support of LNP Technical Capacity, its discovery responses to discovery served by Verizon Wireless, and those provided for herein, and the prefiled testimony it will submit within one week.

2. Identify all persons known to you, your attorney, or other agent who have knowledge, information or possess any document(s) or claim to have knowledge, information or possess any document(s) which support your answer to Interrogatory number one (1) above.

#### **RESPONSE:**

The Coalition objects to this request as overbroad and unduly burdensome and objects to the fact that it calls for knowledge of attorneys, which violates the attorney work product doctrine and attorney-client privilege. Without waiving this objection, the Coalition responds as follows:

Ardmore	Terry Wales
Ben Lomand	Levoy Knowles, CEO; Rodney Schlimmer, Network Operation Manager; and Gail Woodlee, Controller

Bledsoe	Robbin Rothwell, controller; Lou DeBord, Commercial Manager; and David Mercer, CO Manager.
CenturyTel	Guy Miller
Crockett	Lera Roark
DTC	Mr. Leslie Greer, CEO Mrs. Phyllis McKinney, Officer Manager Mr. John Smith, Plant Manager Mr. Ricky Gibbs, Toll & Settlements Supervisor
Highland	Roger Galloway
Humphreys, Tellico & Tennessee Telephone	Mary Newton Kellogg, Network Services - Manager Special Projects Cerise Guitzkow, Carrier Relations - Sr. Administrator Contract Administration Mike Hicks, Carrier Relations - Manager Bob Abrams Carrier Relations - Manager Linda Lowrance, Government & Regulator Affairs - Manager Bruce Mottern, Government & Regulator Affairs - Director Revenue and Earnings
Loretto	William Glenn Newton, A. J. Passarella and Desda Passarella Hutchins
Millington	David Espinoza and Roger Thompson
North Central	Barry Holman and Johnny McClanahan
Peoples	Lera Roark
Twin Lakes	Robert D. Dudley, General Manager Richard Mabry, Inside Plant Manager
West Tennessee	Lera Roark
Yorkville	Kerry Watson

3. Identify each document, photograph, or any other article or thing whatsoever, which you claim to corroborate any part of your contention(s) and/or position(s) which forms the basis for the relief you request in this docket, whether as to the issues of credibility or any other issue, or which is adverse to your contention(s) or position(s) which forms the basis for the relief you request in this docket, whether as to the issues of credibility or any other issue.

**RESPONSE:**

The Coalition objects to this discovery request as overbroad and unduly burdensome and because the development of this case is ongoing. Without waiving this objection, the Coalition states that to the best of its belief, all such requested documents have previously been made a

part of this record through filings with the TRA or will be made part of the record in this proceeding. In addition, and specifically with respect to the request for information "adverse to your contention(s)", the Coalition further objects that this aspect of the request is vague and ambiguous, as the Coalition is not aware of any such information. Furthermore, given the ongoing nature of this proceeding, the Coalition reserves the right to supplement its response to this request and provide additional information as the need arises.

4. With respect to each person you expect to call as an expert witness, or provide any form of testimony from, in this matter:

- a. their full name and work address;
- b. each subject matter about which such witness is expected to testify;
- c. the substance of the facts and opinions to which the expert is expected to testify;
- d. summary of the grounds or basis of each opinion to which such witness is expected to testify; and
- e. whether or not the expert has prepared a report, letter of memorandum of his findings, conclusions or opinions.

**RESPONSE:**

The Coalition objects to this question as overbroad, unduly burdensome, and calling for information that is currently protected by the work product and attorney-client privileges. Without waiving this objection, the Coalition states that it expects it could provide testimony from some of the individuals listed in the response to Request No. 2, as well as from Steven Watkins. Mr. Watkins' business address is as follows: Kraskin, Moorman & Cosson, LLC,

Suite 520, 2120 L Street NW, Washington, DC 20037. Mr. Watkins is expected to testify about the inherent problems presented by the FCC's requirement for intermodal portability, including, by way of example, undue burden, technical infeasibility, and the interests of the public that are harmed by implementation of intermodal portability in the manner currently contemplated by the FCC. At the appropriate time, Mr. Watkins' full and complete expert report in the form of pre-filed testimony will be provided to the Consumer Advocate.

5. Identify each state, including docket and case identification, where a similar request by any company to the public utility regulatory authority has been made. Provide copies of the documents and things filed in each.

**RESPONSE:**

The Coalition objects to this request as being unduly burdensome in that the information requested is equally within the power of the Consumer Advocate to obtain, is public information, and the burden of accumulating such information, assuming its relevancy, should not fall upon the Coalition.

**REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

1. Copies of any and all documents identified in your answers or responses to these Interrogatories.

**RESPONSE:**

All documents identified in our answers and responses have either been previously provided to the Consumer Advocate or are public filings with the TRA.

2. Copies of any and all documents reviewed to prepare your answers or responses to these Interrogatories.

**RESPONSE:**

See response to Request for Production No. 1 above.

3. Any and all expert reports which have been obtained from any expert.

**RESPONSE:**

The Coalition will produce all expert opinions it intends to use in connection with the pre-filed testimony to be submitted to the TRA on June 4, 2004.

Respectfully submitted,  
The Tennessee Coalition of  
Incumbent Rural Telephone  
Companies and Cooperatives

By: 

R. Dale Grimes (006223)

Tara L. Swafford (17577)

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Of Counsel:

Thomas J. Moorman

Stephen G. Kraskin

Kraskin, Moorman & Cosson LLC

2120 L Street N.W. Suite 520

Washington, D.C. 20037

202-296-8890

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on May 21<sup>st</sup>, 2004, upon:

Paul G. Summers, Esq.  
Vance L. Broemel, Esq.  
Timothy C. Phillips, Esq.  
Office of the Attorney General  
Consumer Advocate and Protection Division  
425 5th Avenue North  
Nashville, Tennessee 37202

Hand delivery ☒  
U. S. Mail ☐  
Facsimile ☐

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